

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charis Jones	Team: Squad #4	CCRB Case #: 201906911	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/24/2019 3:15 AM	Location of Incident: Inside the 52nd Precinct Stationhouse at 3016 Webster Avenue	Precinct: 52	18 Mo. SOL 1/24/2021	EO SOL 9/10/2021	
Date/Time CV Reported Wed, 07/24/2019 4:01 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 08/06/2019 11:07 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Craig Basler	00544	933636	052 PCT
2. POM Ryan Burbridge	12412	965961	052 PCT
3. POM Donte Merson	19471	959816	052 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Craig Basler	Abuse: Sergeant Craig Basler refused to provide his shield number to § 87(2)(b)	
B.POM Ryan Burbridge	Abuse: Police Officer Ryan Burbridge refused to provide his shield number to § 87(2)(b)	
C.POM Donte Merson	Abuse: Police Officer Donte Merson refused to provide his shield number to § 87(2)(b)	
D.SGT Craig Basler	Abuse: Sergeant Craig Basler threatened to arrest § 87(2)(b)	
E.SGT Craig Basler	Abuse: Sergeant Craig Basler threatened § 87(2)(b) with the use of force.	

## Case Summary

On July 24, 2019, § 87(2)(b) filed this complaint with IAB, generating original log # 2019-28464. The CCRB received the log on August 6, 2019.

On July 24, 2019, at approximately 3:15 a.m., § 87(2)(b) and his girlfriend, § 87(2)(b) entered the 52<sup>nd</sup> Precinct stationhouse in the Bronx to file a complaint against § 87(2)(b)'s roommate. While inside the stationhouse, § 87(2)(b) encountered Sergeant Craig Basler, Police Officer Ryan Burbridge, and Police Officer Donte Merson (all of the 52<sup>nd</sup> Precinct). § 87(2)(b) allegedly asked Sgt. Basler, PO Burbridge, and PO Merson for their badge numbers and they refused to provide them (**Allegation A-C: Abuse of Authority**, § 87(2)(g)). Sgt. Basler allegedly told § 87(2)(b) that if he did not leave, he would be “locked up” (**Allegation D: Abuse of Authority**, § 87(2)(g)). Sgt. Basler then allegedly threatened to tase § 87(2)(b) (**Allegation E: Abuse of Authority**, § 87(2)(g)).

No arrests were made nor were any summons issued as a result of this incident.

The investigation obtained surveillance footage from the 52<sup>nd</sup> Precinct stationhouse interior and exterior security cameras (Board Review 01) (Board Review 02). The footage does not contain audio.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Sergeant Craig Basler refused to provide his shield number to § 87(2)(b)**

**Allegation (B) Abuse of Authority: Police Officer Ryan Burbridge refused to provide his shield number to § 87(2)(b)**

**Allegation (C) Abuse of Authority: Police Officer Donte Merson refused to provide his shield number to § 87(2)(b)**

**Allegation (D) Abuse of Authority: Sergeant Craig Basler threatened to arrest § 87(2)(b)**

**Allegation (E) Abuse of Authority: Sergeant Craig Basler threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) (Board Review 03) testified that he entered the stationhouse with § 87(2)(b) to file a complaint against his roommate. § 87(2)(b) observed PO Burbridge and PO Merson speaking to one another near the front desk. Sgt. Basler sat behind the desk. § 87(2)(b) approached PO Merson and PO Burbridge and explained his situation “in a loud voice.” PO Merson and PO Burbridge did not respond. Sgt. Basler stood up, shook his head, and ordered § 87(2)(b) to leave the stationhouse. § 87(2)(b) could not recall how he responded to Sgt. Basler but believed he “went off” about how the officers were not doing their jobs. § 87(2)(b) asked Sgt. Basler, PO Merson, and PO Burbridge for their shield numbers and they did not provide them. § 87(2)(b) could not recall how the officers refused his request but remembered that PO Merson and PO Burbridge were trying to make him leave. Sgt. Basler then put his hand on his Taser and said, “If you don’t want to get tased or locked up, leave.” § 87(2)(b) left the stationhouse.

§ 87(2)(b) provided a brief telephone statement to the investigation (Board Review 10). § 87(2)(b) stated that she told § 87(2)(b) to leave the stationhouse when she saw Sgt. Basler holding the Taser. § 87(2)(b) did not hear Sgt. Basler threaten to tase § 87(2)(b).

Surveillance footage from the 52<sup>nd</sup> Precinct stationhouse interior camera captured how § 87(2)(b)'s interaction with the officers initially unfolded (Board Review 01). The footage does not contain audio. Between 00:18 and 00:53, § 87(2)(b) enters the stationhouse, approaches the front desk, and speaks to someone who is off camera. Between 00:54 and 01:33, § 87(2)(b) lingers near the entrance of the stationhouse, going in and out of the open door,

while looking at his phone. § 87(2)(b) also talks while moving his hands in the direction of the front desk. Between 01:55 and 02:44, PO Merson and PO Burbridge approach the entrance and speak with § 87(2)(b). After speaking with him, PO Merson walks back into the stationhouse and exits the frame. PO Burbridge stands at the front desk. § 87(2)(b) remains near the entrance. At 02:58, § 87(2)(b) goes back inside the stationhouse, gestures towards the front desk, and appears to say something. Between 03:38 and 04:45, Sgt. Basler comes from behind the front desk area with his Taser in hand and walks towards the entrance. PO Burbridge and PO Merson follow behind. Sgt. Basler exits the stationhouse. Approximately 20 seconds later, Sgt. Basler reenters the stationhouse with the Taser in his hand pointed down.

The exterior camera captured the conclusion of the incident including § 87(2)(b)'s departure (Board Review 02). Between 00:28 and 01:01, § 87(2)(b) and § 87(2)(b) exit the stationhouse and walk across the parking lot. Simultaneously, Sgt. Basler exits the stationhouse and stands at the top of the front stairs, facing their direction. Sgt. Basler then lifts his Taser in the direction of § 87(2)(b) and § 87(2)(b). At the time Sgt. Basler lifts his Taser, § 87(2)(b) and § 87(2)(b) have their backs to Sgt. Basler and are far from the entrance to the stationhouse.

Sgt. Basler (Board Review 04) did not recall this incident despite being given a description of the incident and being shown the surveillance footage referenced above. Sgt. Basler explained that, when he is assigned to the desk, he keeps his Taser on top of the desk because it does not fit in his holster underneath. After seeing the surveillance footage, Sgt. Basler assumed that he left the front desk because PO Burbridge and PO Merson were unsuccessful in getting § 87(2)(b) to leave. Sgt. Basler did not recall the specifics of this interaction but stated that he probably grabbed his Taser as a precautionary measure because § 87(2)(b) was most likely becoming aggressive. Sgt. Basler did not recall telling § 87(2)(b) that he would be tased or that he would be arrested if he did not leave the stationhouse. Sgt. Basler did not recall if § 87(2)(b) asked for his or any other officer's shield numbers. Sgt. Basler did not refuse to provide his shield number to § 87(2)(b) nor did he hear any other officer do so.

PO Burbridge (Board Review 05) also did not recall this incident despite being provided with a description of the incident, being shown a photo of § 87(2)(b) and the surveillance footage referenced above.

PO Merson (Board Review 06) remembered the incident after reviewing the surveillance footage. PO Merson stated that § 87(2)(b) came into the stationhouse and appeared "anxious" and "hyper." PO Merson attempted to gather identifying information from § 87(2)(b) and asked how they could help him. § 87(2)(b) would not tell the officers why he was at the stationhouse or provide his name. PO Merson did not recall if § 87(2)(b) was asked to leave and did not recall why Sgt. Basler came out from behind the desk. PO Merson did not recall why Sgt. Basler held his Taser or why Sgt. Basler pointed his Taser at § 87(2)(b). § 87(2)(b) did not request PO Merson's shield number. PO Merson did not hear § 87(2)(b) ask for Sgt. Basler and PO Burbridge's shield numbers.

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

It is undisputed that Sgt. Basler pointed his Taser at § 87(2)(b). On his own account, § 87(2)(b) "went off" on the officers while inside of the stationhouse. Sgt. Basler and PO Burbridge did not recall the incident, even after being shown the video evidence. PO Merson stated that § 87(2)(b) came into the stationhouse and appeared "anxious" and "hyper," and did not state why he was at the stationhouse. PO Burbridge did not recall whether § 87(2)(b) was told to leave the stationhouse and did not recall why Sgt. Basler held and pointed his Taser at § 87(2)(b). § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

### Civilian and Officer CCRB histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 07).
- Sgt. Basler has been a member-of-service for 16 years and has been a subject in 11 CCRB complaints and 26 allegations, of which one was substantiated:
  - 201304834 involved a substantiated allegation of premises entered and/or searched against Sgt. Basler. The Board recommended charges and the NYPD forfeited two vacation days. § 87(2)(g)
- PO Burbridge has been a member-of-service for one year and this is the first CCRB complaint to which he has been a subject.
- PO Merson has been a member-of-service for four years and has been named a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)

### Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.  
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- On February 18, 2020, a Notice of Claim FOIL request was sent to the New York City Comptroller's office. This will be added to the case file upon receipt.

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Squad No.: 4

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date